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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,568	06/25/2003	Bonnie Lopez	LOPC120896	4674
26389	7590	03/25/2005	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			PRONE, JASON D	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SN

Office Action Summary

Application No.

10/606,568

Applicant(s)

LOPEZ, BONNIE

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-26 and 28-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-23 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-13,24-26 and 28-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The indicated allowability of claims 2, subject matter of cancelled claim 4, 5-9, 13, 25, 26 subject matter of cancelled claim 27, and 31 is withdrawn in view of the newly discovered reference to Bourdunis (2,809,476). Rejections based on the newly cited reference follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6, 8, 12, 13, 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourdunis (2,809,476) in view of Bourdunis (2,489,005). '476 discloses the invention including a frame (11) adapted to couple to a sander (19) having a first sanding pad (21) and a second sanding pad coupled to the frame (17). The second sanding pad is coupled to the frame such that the second sanding pad is adapted to be sandwiched between the frame and the length of unused sandpaper (11, 17, and 47). The frame includes a tray portion (13) and the tray portion is adapted to receive the first sanding pad upon a first surface of a wall of the tray (Fig. 6) and the second sanding pad on an opposite surface of the wall (Fig. 5), a sandpaper restraining device coupled to the frame (36) which is adapted to hold a distal end of the length of sandpaper (Fig. 5), the sandpaper restraining device is movable between a first position in which the restraining device is adapted to hold sandpaper stationary relative to the

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frame (Fig. 5) and a second position in which the restraining device is adapted to permit sandpaper to move (Fig. 4), that the frame is adapted to be coupled to the sander so that the frame is disposed between the first and second sanding pads (11). The frame is adapted to be coupled to the sander so that the second sanding pad is disposed below the first sanding pad (Fig. 5), and that the frame covers a majority of a bottom surface of the first sanding pad when the frame is coupled to the sander (11 and 21). However '476 fails to disclose a sandpaper dispensing assembly coupled to the frame and adapted to store a length of sandpaper, the dispensing assembly is adapted to selectively dispense the sandpaper over the second sanding pad, and that the dispensing assembly includes a support member adapted to rotatably dispense sandpaper. '005 teaches a sandpaper dispensing assembly coupled to the frame and adapted to store a length of sandpaper (19), the dispensing assembly is adapted to selectively dispense the sandpaper over the second sanding pad (28), and the dispensing assembly includes a support member adapted to rotatably dispense sandpaper (19). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided '476 with a sandpaper dispensing assembly, as taught by '005, to provide a more efficient means to replace used/worn sandpaper.

4. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over '476 in view of '005 as applied to claim 1 and 6 above, and further in view of Marinsky (2,447,518). '476 and '005 disclose the invention but fail to disclose that the restraining means includes a cutting surface. Marinsky teaches a restraining means that includes a

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cutting surface (37). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided '476 in view of '005 with a cutting surface, as taught by Marinsky, to easily remove unwanted used/worn sandpaper.

5. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over '476 in view of '005 as applied to claim 1 above, and further in view of Anderson (6,083,091). '476 and '005 disclose the invention but fail to disclose that the sandpaper dispensing assembly further comprises a tensioning system for holding the unused sandpaper in a tensioned condition relative to the frame and the tensioning system is positionable between a first position in which the sandpaper is impeded and a second position in which the dispensing assembly is free to dispense sandpaper. Anderson teaches a tensioning system for holding the unused sandpaper in a tensioned condition relative to the frame (6 and 7) and the tensioning system is positionable between a first position in which the sandpaper is impeded and a second position in which the dispensing assembly is free to dispense sandpaper (Fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided '476 in view of '005 with a tensioning system, as taught by Anderson, to prevent unwanted dispensing.

6. Claims 24-31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over '476 in view of '005 and further in view of Marinsky. '476 discloses the invention including a frame (11) adapted to couple to a sander (19) having a first sanding pad (21), a second sanding pad coupled to the frame (17), that the frame is adapted to be coupled to the sander so that the frame is disposed between the first and second

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sanding pads (Fig. 5); that the second sanding pad is coupled to the frame such that the second sanding pad is adapted to be sandwiched between the frame and the length of unused sandpaper (11, 17, and 47), a sandpaper restraining means for selectively holding sandpaper stationary relative to the frame (36). The sandpaper restraining means is movable between a first position in which the restraining means engages the length of the sandpaper to impede movement of the sandpaper relative to the frame (Fig. 5) and a second position in which the restraining means permits the sandpaper to move relative to the frame (Fig. 4), and the frame is adapted to be coupled to the sander so that the frame is disposed between the first and second sanding pads (11). However, '476 fails to disclose a sandpaper dispensing means/assembly for selectively dispensing sandpaper, the dispensing means is coupled to the frame and adapted to store a length of sandpaper, the dispensing assembly is adapted to selectively dispense the sandpaper over the second sanding pad, and that the restraining means includes a cutting surface '005 teaches a sandpaper dispensing means/assembly for selectively dispensing sandpaper (19), the sandpaper dispensing means/assembly is coupled to the frame and adapted to store a length of sandpaper (19), and that the dispensing assembly is adapted to selectively dispense the sandpaper over the second sanding pad (28). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided '476 with a sandpaper dispensing assembly, as taught by '005, to provide a more efficient means to replace used/worn sandpaper.

Marinsky teaches a restraining means that includes a cutting surface (37).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of

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the invention, to have provided `476 in view of `005 with a cutting surface, as taught by Marinsky, to easily remove unwanted used/worn sandpaper.

7. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over `476 in view of `005 further in view of Marinsky as applied to claim 24 above, and further in view of Anderson. `476, `005, and Marinsky disclose the invention but fail to disclose that the sandpaper dispensing means further comprises a tensioning system for holding sandpaper stationary relative to the frame and the tensioning system is positionable between a first position in which the sandpaper is impeded from dispensing and a second position in which the dispensing means is free to dispense sandpaper. Anderson teaches a tensioning system for holding the unused sandpaper in a tensioned condition relative to the frame (6 and 7) and the tensioning system is positionable between a first position in which the sandpaper is impeded and a second position in which the dispensing means is free to dispense sandpaper (Fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided `476 in view of `005 further in view of Marinsky with a tensioning system, as taught by Anderson, to prevent unwanted dispensing.

Allowable Subject Matter

8. Claims 14-23 are allowed. Claim 14 is allowable because the combination of the sander and the dispenser incorporate a frame that is adapted to hold the sanding pad a predetermined distance away from the moving portion. None of the prior art incorporates the combination of a dispenser with one pad and a sander with a moving portion a predetermined distance away from the sanding pad.

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Response to Arguments

9. Applicant's arguments with respect to claims 1, 3, 9-12, 24, 25, and 28-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 571-272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP
March 09, 2005



Allan N. Shoap
Supervisory Patent Examiner
Group 3700